

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

DENNIS LOFTUS

Plaintiffs,

-v-

WNB GROUP, LLC, et al.

Defendants.

Case No. 1:23-cv-290

Judge _____

**DEFENDANTS' NOTICE OF
REMOVAL**

Defendants, WNB Group, LLC, d/b/a the Ray Hamilton Company, and Ray Hamilton Logistics, LLC (“Defendants”), through their undersigned counsel, hereby notice the removal of this case from the Court of Common Pleas, Hamilton County, Ohio to the United States District Court for the Southern District of Ohio. In accordance with 28 U.S.C. §1446(a), the grounds for removal are as follows:

1. Plaintiff Dennis Loftus (“Plaintiff”) commenced this action against Defendants in the Court of Common Pleas, Hamilton County, Ohio by filing a Complaint with Jury Demand on April 17, 2023 – *Loftus v. WNB Group, LLC, et al.*, Case No. A 2301594 (the “Complaint”). The Complaint includes a jury demand. A true and accurate copy of Plaintiff’s Complaint is attached as **Exhibit A**.

2. Plaintiff served Defendants through their agent for service of process, KMK Service Corporation Statutory Agent, with a copy of the Complaint and Summons on April 24, 2023. True and accurate copies of the summons and service of process documents (other than the Complaint already attached as Exhibit A) are attached as **Exhibit B**.

3. The documents attached as Exhibits A and B constitute all processes, pleadings, orders and other documents served upon Defendants in this action.

4. This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it has been filed within 30 days of service upon Defendants of the Summons and Complaint.

5. All Defendants consent to this removal.

6. Pursuant to 28 U.S.C. §1441(a), any civil action brought in state court may be removed by the defendants to the United States District Court for the district and division where the state action is pending if the District Court would have original jurisdiction over the matter.

7. This Court has original jurisdiction of this action under 28 U.S.C. §1331 because the only claims asserted in Plaintiff's Complaint arise out of the Age Discrimination and Employment Act, 29 U.S.C § 626 et seq. *See* Complaint, ¶ 11-19.

8. All statutory requirements for removal to this Court under 28 U.S.C. §§ 1332, 1441 and 1446 have been satisfied.

9. By filing this Notice of Removal, Defendants do not waive, and expressly reserves their right to challenge personal jurisdiction and venue, service of process, and the sufficiency of service of process, and any other procedural and/or substantive defenses.

10. In accordance with 28 U.S.C. § 1446(d), upon filing this Notice of Removal with the Clerk of the United States District Court for the Southern District of Ohio, Defendants will promptly file copies of this Notice of Removal with the Clerk of the Hamilton County Court of Common Pleas, and a copy of this Notice of Removal will be served on counsel for Plaintiff.

WHEREFORE, Defendants give notice that the Action pending against them in the Court of Common Pleas, Hamilton County, Ohio be and is removed to the United States District Court for the Southern District of Ohio, Cincinnati Division.

Respectfully submitted,

/s/ Matthew M. Allen

Matthew M. Allen (0098327)
KEATING MUETHING & KLEKAMP PLL
One East Fourth Street, Suite 1400
Cincinnati, Ohio 45202
Phone: 513.579.6554 | Fax: 513.579.6457
mallen@kmklaw.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the following on May 16, 2023:

Mark J. Byrne
Kathleen R. Byrne
Jacobs, Kleinman, Seibel & McNally, LPA
Cincinnati Public Building
30 Garfield Place, Suite 905
Cincinnati, Ohio 45202
Phone: (513) 381-6600
Fax: (513) 381-4150
mbyrne@jksmlw.com
kbyrne@jksmlaw.com

Counsel for Plaintiff

/s/ Matthew M. Allen

Matthew M. Allen

12592866.1